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July 14, 2015

**Via Certified U.S. Mail and Email**

Freedom of Information Officer  
U.S. EPA, Region 10  
Office of External Affairs  
1200 6th Ave., Suite 900 (CEC-142)  
Seattle, WA 98101  
rl0foia@epa.gov

National Freedom of Information Officer  
Records, FOIA, and Privacy Branch  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW (2822T)  
Washington, DC 20460  
hq.foia@epa.gov

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and implementing regulations of the U.S. Environmental Protection Agency ("EPA"), 40 C.F.R. Part 2, the Pebble Limited Partnership ("PLP"), by and through its counsel, Step toe & Johnson LLP, hereby requests a copy of the following:

1. All FOIA requests made to EPA, including but not limited to the requests listed in Exhibit A, related to the mining project in Southwest Alaska commonly called the Pebble project or the Pebble Mine ("Pebble Mine"), or any other matter connected to the Pebble Mine.
2. All FOIA requests made to EPA, including but not limited to the requests listed in Exhibit A, related to EPA's *An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* ("Bristol Bay Watershed Assessment" or "BBWA") or related to EPA's decision to conduct an assessment of mining impacts on the Bristol Bay, Alaska, region.

3. All FOIA requests made to EPA, including but not limited to the requests listed in Exhibit A, related to EPA's *Proposed Determination of the U.S. Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act, Pebble Deposit Area, Southwest Alaska*.
4. All correspondence between EPA and requesting parties related to each request identified in response to Items 1, 2 & 3 above, including any administrative appeals or amendments filed by requesting parties.

For the purposes of these requests, "correspondence" refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to emails; email attachments; including, but not limited to any reports, memoranda, minutes, summaries, PowerPoint presentations spreadsheets, maps, photographs, data compilations, *Vaughn* indices, privilege logs, or calendars; telephone records, telephone message logs or slips, transcripts, call lists.

In responding to these requests, EPA's search should encompass, but should not be limited to, documents sent to or from email addresses used by current or former EPA employees and representatives, regardless of whether such addresses are private or secondary addresses (e.g., the email address for "Richard Windsor," the personal/secondary email addresses of Phil North, etc.), or official EPA addresses.

If any documents covered by this FOIA request have been deleted, destroyed, removed, or cannot be located, please provide all surrounding documents as well as a list of all records that have been deleted, destroyed, removed, or cannot be located, a description of actions taken in response to the unavailable documents, and any documents relevant to or generated in connection with implementing those actions.

#### FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. See 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. See 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

We encourage you to release any records, or portions thereof, that may technically be shielded by exemptions if there is no purpose served by withholding the requested records. *Chrysler Corp. v. Brown*, 441 U.S. 281, 294-95 (1979) (holding that FOIA exemptions are discretionary). We note that FOIA provides that an arbitrary and capricious refusal to produce responsive documents will result in investigation initiated by special counsel to determine whether disciplinary action is warranted against the individual at the agency primarily responsible for the withholding. 5 U.S.C. § 552(a)(4)(F).

#### Timing and Mechanics of Production

We request that in responding to this letter, EPA comply with all relevant deadlines and other obligations set forth in FOIA and EPA's regulations, and we look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 40 C.F.R. § 2.104. Please produce records on a rolling basis; the search for – and deliberation concerning – certain documents should not delay the production of others that EPA has already retrieved and could turn over. Please note that PLP is interested in working with EPA to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized document productions.

We prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, we request that EPA provide the requested information in searchable, electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual emails, and their attachments, should be maintained as single msg files. If this is not possible, then emails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachment information.

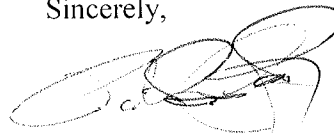
We understand that there may be fees and costs associated with this request, and we agree to pay any fees or costs up to \$1,000 associated with making these materials available to us. If the costs will be in excess of \$1,000, please advise me before such costs are incurred.

As noted, this letter does not seek documents that are encompassed by PLP's January 22, 2014, June 13, 2014, or January 9, 2015, FOIA requests to EPA. Accordingly, PLP's submission of the present letter is not a basis for EPA to further delay production of documents responsive to these requests.

In responding to the present letter, please mail copies of all requested documents, indices and logs, and any invoice for reasonable FOIA fees to the undersigned.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia B. Palacios', with a large, stylized loop at the end.

Patricia B. Palacios